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Attorneys for Defendant

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

DAVID L. FREDRICK,

Plaintiff,

vs.

**ST. MATTHEW'S UNIVERSITY
(CAYMAN LTD.),**

Defendant.

Case No. 06-CV-00052-DBH

**DECLARATION OF KARL S.
KRONENBERGER IN SUPPORT OF
MOTION TO DISMISS AMENDED
COMPLAINT**

1 I, Karl S. Kronenberger, declare the following:

2 1. I am an attorney and represent St. Matthew's University in this Action and
3 in the Nevada Action.

4 2. Before serving SMU's First Amended Complaint ("FAC") on FREDRICK in
5 the Nevada Action, I provided a "courtesy copy" of the FAC to attorney for FREDRICK,
6 Michael Angelini on November 23, 2005.

7 3. Thereafter, FREDRICK and Mr. Angelini refused to accept service of the
8 amended complaint, and which forced SMU to spend additional time and money on
9 serving FREDRICK.

10 4. Also after providing a copy of the FAC to Mr. Angelini, I engaged in
11 settlement discussions with Mr. Angelini over the course of weeks prior to
12 FREDRICK being served with the FAC on December 30, 2005.

13 5. The letter that FREDRICK has attached to his complaint in the Action is a
14 letter from Mr. Angelini detailing damages contained in allegations in the Nevada Action.

15 6. The court in the Nevada Action ordered the case filed under seal, and
16 permitted significant *ex parte*, pre-service discovery, in order to allow SMU to identify
17 and serve defendants who were actively concealing their identities.

18 7. The defendants in the Nevada Action have taken down their website, have
19 transferred their domain name (AAIMG.com) away to a third party, and have stated
20 through emails to my office that AAIMG is no longer operating.

21 I declare under penalty of perjury under the laws of the United States of America
22 that the foregoing is true and correct.

23 Respectfully Submitted,

24
25 DATED: April 4, 2006.

26 By: /s/ Karl S. Kronenberger
27 Karl S. Kronenberger
28

PROOF OF SERVICE

I am a resident of the State of Maine, over the age of eighteen years and not a party to this action. My business address is 128 State Street, Augusta, Maine 04330.

On April 4, 2006, I served the following document(s):

1. DECLARATION OF KARL S. KRONENBERGER IN SUPPORT OF MOTION TO DISMISS

on the parties listed below as follows:

BARRY A. BACHRACH

Bowditch & Dewey, LLP
311 Main Street
PO Box 15156
Worcester, MA 01615-0156
Fax: 508-929-3003
Counsel for Defendant FREDRICK

☐

BY FACSIMILE MACHINE (FAX), by personally transmitting a true copy thereof via an electronic facsimile machine to the fax number listed herein.

☒

BY FIRST CLASS MAIL, by placing a true copy thereof in a sealed envelope, with postage thereon fully prepaid, for collection and mailing, in Augusta, Maine, following ordinary business practices, which is deposited with the US Postal Service the same day as it is placed for processing.

☐

BY PERSONAL SERVICE, by personally delivering a true copy thereof to the addressee(s) listed herein at the location listed herein.

☐

BY OVERNIGHT DELIVERY containing a true copy thereof to the addressee(s) listed herein at the location listed herein.

☐

BY EMAIL to the addresses listed above.

☐

(State) I declare under penalty of perjury under the laws of the State of Maine that the foregoing is true and correct.

☒

(Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/ Marcia Kulpa
Marcia Kulpa